

Application Serial No. 10/798,001
Response to Office Action dated September 30, 2009

Docket: CU-3633
Patent

REMARKS

The Applicant respectfully requests favorable consideration.

In the Office Action, claims 26, 28, 30, 32, 34, and 36 are under review and are rejected. The Applicant submits that the amendments to the claims overcome the rejections or that they are traversed by argument below. No new matter has been added.

In the Claims, please amend claim 26. Claim 26 has been amended to incorporate the limitation that the substrate for bio-microarray comprises an anti-reflection layer or the light absorbing layer (hereinafter referred to as a back side anti-reflection layer or a back side light absorbing layer) on the other surface of the substrate. Support for this amendment can be found in paragraph [0033] of U.S. 2005/0059169, the publication of the present application. In addition, please newly add claim 39. Support for claim 39 can be found in paragraph [0039]. No new matter has been added. The amendments to the claims can be viewed in the Amendments section of this paper in the Listing of claims beginning on page 3.

Claims 26, 28, 30, and 36 are rejected under 35 U.S.C. §102(b) as being anticipated by Glazier (WO 00/61282) and as evidenced by Patel (U.S. 4,994,318). The Applicant respectfully disagrees and submits that the claims are novel and not anticipated thereby.

In amended claim 26, by providing the back side anti-reflection layer or the back side light absorbing layer on the other surface of the substrate, the substrate for bio-microarray attains the effect of suppressing the reflection from the other surface of the substrate as explained in paragraph [0033] of US 2005/0059169. As a result, the present invention attains the effect of having further higher detection accuracy.

None of the other references teach, disclose or suggest forming such back side anti-reflection layer or backing side light absorbing layer on the other surface of the substrate. For example, Glazier uses the porous layer having a large surface area as a place to attach the probe biomolecule in order to improve the density of the probe biomolecule. Thus, in Glazier, the porous layer is formed on only one surface

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of the substrate to where the probe biomolecule targeted for the detection is formed. The porous layer is not formed on the other surface side of the substrate to where the probe biomolecule targeted for detection is not formed. Accordingly, the present invention is novel over the references and not anticipated thereby.

A dependent claim includes all of the features of the independent claim. Since claims 28, 30, 32, 34, 36, and 39 all depend from claim 26, a novel claim, the dependent claims are likewise novel and allowable. The Applicant respectfully submits, therefore, that the claims are novel and not anticipated by Glazier as evidenced by Patel. Withdrawal of this rejection is respectfully solicited.

Claim 34 is rejected as being obvious and unpatentable under 35 U.S.C. §103(a) over Glazier as evidenced by Patel, and further in view of Noblett (U.S. 6,362,004). The Applicant submits that claim 34 is non-obvious and allowable.

As discussed in detail above, Patel and Glazier are completely silent as to forming the back side anti-reflection layer or the back side light absorbing layer on the other surface of the substrate. Furthermore, Noblett is also silent as to having a back side anti-reflection layer or back side light absorbing layer.

Therefore, the references, in whole or in combination, do not provide a substrate which has the back side anti-reflection layer or the back side light absorbing layer on the other surface of the substrate. Thus, the substrate obtained by combining the references could not attain the effect of having further higher detection accuracy. Accordingly, amended claim 26, and therefore, dependent claim 34, is non-obvious and allowable. The Applicant respectfully requests that the Examiner withdraw this rejection of claim 34.

CONCLUSION

The Applicant believes that this Amendment is responsive to all points raised in the Office Action dated September 30, 2009. The Applicant respectfully contends that all conditions of patentability are met in the pending claims and requests that the amendments be entered into the record. Should the Examiner have any remaining questions or concerns the Examiner is encouraged to contact the undersigned

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attorney by telephone to expeditiously resolve such concerns. The Applicant respectfully submits that this Application should be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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